

**U.S. District Court**

FILED  
IN CLERKS OFFICE

**U.S. District Court - Massachusetts (Boston)**

2005 OCT 27 P 12: 25

U.S. DISTRICT COURT  
FOR THE DISTRICT OF MASS.

**MOTION TO EXTEND TO MAKE SERVICE FOR CASE # 1:05-CV-11349**

**Livingston v. MBTA Employee Credit Union**

Filed: 6/27/2005

**Case Assigned to: Judge Reginald C. Lindsay**

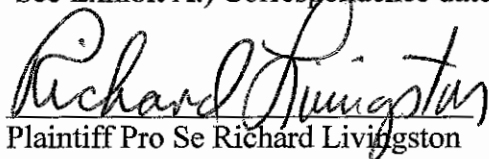
Pursuant to Federal Rules of Civil Procedure, Rule 7-16 the Plaintiff Pro Se Richard Livingston asks this honorable Court to Extend Time for Service of Summons to one hundred twenty days (120) from this date 10/27/2005 to the Defendant M.B.T.A.

Employees Credit Union for the following reasons:

- 1.) Plaintiff Pro Se Richard Livingston's Attorney William Edward Gately, Jr. esq. has been suspended from practice of law in Massachusetts.
- 2.) Plaintiff Pro Se Richard Livingston's Attorney William Edward Gately, Jr. esq. assured Plaintiff Livingston that Summons had been served.
- 3.) Subsequently Plaintiff Livingston has been inform by this Honorable Court that nothing has happen on this case since the filing on 6/27/2005 showing the Defendant M.B.T.A. Employees Credit Union have never been served.
- 4.) Plaintiff Pro Se Richard Livingston needs to obtain client file from suspended Attorney William Edward Gately, Jr. or Special Master Joseph D. Sommer esq.
- 5.) Plaintiff Pro Se Richard Livingston needs time to find a new Attorney.

Plaintiff Pro Se Richard Livingston supports this Motion with the following documentation. Letter from Special Master Joseph D. Sommer esq. whom has been appointed by the Supreme Judicial Court to facilitate the transfer of my file.

See Exhibit A.) Correspondence date 10/25/2005 received 10/26/2005

  
Plaintiff Pro Se Richard Livingston

149 Warren Avenue  
Milton Massachusetts

617-698-4333

Date

10/27/05

**EX. A**

**SOMMER & ASSOCIATES**

ATTORNEYS AT LAW

Joseph D. Sommer

Of Counsel;  
John Weagle  
Ben Weisbuch

92 STATE STREET  
BOSTON, MA 02109  
TELEPHONE: 617-227-3555

FAX: 617-367-3424

October 25, 2005

Mr. Richard Livingston  
149 Warren Avenue  
Milton, MA 02186

If you do not receive the number of pages indicated, or if you receive this transmission in error, please call 617-227-3555 and advise. Please call upon receipt. The information sent is confidential as given under the privilege of the S.J.C. Rule 4:01. Only those in furtherance of the requested acts are authorized to see this transmission.

In Re: William Gately

Dear Mr. Livingston:

Thank you for reading this correspondence. I hope that everything is well with you and your family.

I am writing this letter regarding your representation by Mr. William Gately. Please be advised that Mr. Gately is no longer licensed to practice law. Pursuant to an order of the Supreme Judicial Court (S.J.C.), dated October 17, 2005, Mr. Gately has been temporarily suspended. As a result, he can no longer continue to represent any clients.

I have been appointed by the S.J.C. to facilitate the transfer of any files to you or new counsel. If you would like your file returned, please contact me at the above listed telephone number and I will assist you.

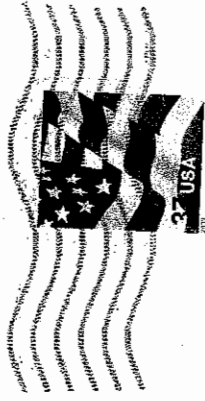
If you have questions or desire additional assistance, please feel free to call the above listed telephone number or write to the address listed above.

Sincerely,

  
Joseph Sommer, Esq.  
JDS/bc

Joseph Sommer, Esq.  
Sommer & Associates  
92 State Street  
Boston, MA 02109

BOSTON MA 021  
25 OCT 2005 PM 13 T



Mr. Richard Livingston  
149 Warren Avenue  
Milton, MA 02186

*Rec'd 10/26/05 5:00 PM*

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